

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
) CASE NO. MJ 13-230
Plaintiff,)
)
v.) DETENTION ORDER
)
LAWRENCE LEWIS GAINES III,)
)
Defendant.)
_____)

Offense charged: Felon in Possession of a Firearm

Date of Detention Hearing: May 9, 2013.

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

1. Defendant's past criminal record includes a federal charge of Conspiracy to

01 Distribute Crack Cocaine (WAWD No. CR07-310 RSL). Defendant was released to Pretrial
02 Services supervision, pled guilty, and was sentenced on May 16, 2008. He was allowed to
03 self-report to serve his sentence but failed to appear. A warrant was issued on July 18, 2008.
04 Defendant self-surrendered on October 20, 2008 to the Federal Detention Center. His term of
05 supervised release commenced on December 8, 2008. A warrant was filed for violation of
06 supervised release on April 9, 2009, and he was sentenced to six months of custody followed by
07 30 months supervised release. Another warrant was filed for violation of supervised release due
08 to failure to participate in a residential reentry program. A sentence of 90 days in custody was
09 imposed, followed by 26 months supervised release. On May 14, 2010, a warrant was filed
10 for non-satisfactory completion of the residential reentry program, for which defendant was
11 sentenced to four days with credit for time served, 24 months supervised release and home
12 confinement for up to 120 days. Defendant's sentence of supervised release was completed on
13 June 2012.

14 2. Defendant's past criminal record also includes state charges consisting primarily
15 of driving while license suspended in the third degree, with multiple failure to appear and bench
16 warrant activity.

17 3. Defendant poses a risk of nonappearance due to a history of failure to appear,
18 lack of gainful or consistent employment, and a history of bench warrant activity including
19 failure to appear for surrender date and non-compliance with community supervision.
20 Defendant poses a risk of danger due to a lengthy period of non-compliance under both federal
21 pretrial and post-conviction supervision.

22 4. There does not appear to be any condition or combination of conditions that will

01 reasonably assure the defendant's appearance at future Court hearings while addressing the
02 danger to other persons or the community.

03 It is therefore ORDERED:

- 04 1. Defendant shall be detained pending trial and committed to the custody of the Attorney
05 General for confinement in a correction facility separate, to the extent practicable, from
06 persons awaiting or serving sentences or being held in custody pending appeal;
- 07 2. Defendant shall be afforded reasonable opportunity for private consultation with
08 counsel;
- 09 3. On order of the United States or on request of an attorney for the Government, the
10 person in charge of the corrections facility in which defendant is confined shall deliver
11 the defendant to a United States Marshal for the purpose of an appearance in connection
12 with a court proceeding; and
- 13 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel
14 for the defendant, to the United States Marshal, and to the United State Pretrial Services
15 Officer.

16 DATED this 9th day of May, 2013.

17 

18 Mary Alice Theiler
19 United States Magistrate Judge